

### REMARKS

Claims 1-8 are pending in the application. Claim 1 has been amended herein. Favorable reconsideration of the application, as amended, is respectfully requested.

#### I. OBJECTION OF CLAIM 1

Claim 1 stands objected to as being confusing. Claim 1 has been amended herein to address the Examiner's concern. Withdrawal of the objection is respectfully requested.

#### II. REJECTIONS OF CLAIMS 1-8 UNDER 35 U.S.C. §§ 102 AND 103

Claims 1, 3, 6, 7 and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,212,584 (Chung). Claims 1, 2, 3, 7 and 8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,851,679 (Stowell). Claims 1, 3, 4, 5 and 7 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,600,604 (Gaebe). Claims 2, 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chung. All pending claims are believed to be allowable for at least the following reasons. Withdrawal of the rejection is respectfully requested.

Independent claim 1 has been amended herein to further clarify one of the features of the invention. Specifically, independent claim 1 requires, *inter alia*, that "the thin-films having higher refractive index and the thin-films having lower refractive index are alternately stacked, and a value of  $TSCW = \lambda c [ \{ \beta f + \sigma / \{ 1 + \{ (1 - P_O) / (N_O P_O) \} \} - \{ 2(\beta s - \beta f) / (1 - s) \} \{ s + (1 - 2s)(1 - 1 / N_O) / \{ 1 + (1 - P_O) / (N_O P_O) \} \} ]$  is substantially zero." Support for the amendments is found at, for example, page 7, line 20 - page 8, line 12; and page 12, line 15 - page 13, line 23 of the present specification. No new matter has been introduced by the amendments.

None of the cited references teach or suggest the above-identified specific configuration (alternate stacks of higher and lower refractive index thin-films), and the above-identified specific relationship of TSCW which is substantially zero. Therefore, it is respectfully submitted that the invention of independent claim 1 is patentable over the cited art. Withdrawal of the rejections is respectfully requested.

In view of the foregoing, the invention defined in independent claim 1, and its dependent claims is believed to be patentable over the cited art. Withdrawal of the rejections is respectfully requested.

**III. PROVISIONAL REJECTIONS OF CLAIMS 1-8 UNDER JUDICIALLY  
CREATED DOCTRINE OF OBVIOUSNESS-TYPE DOUBLE PATENTING**

Claims 1-8 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 and 7 of copending Application No. 10/346,951. Applicant will address this issue when the cited application is ultimately issued as a patent.

**IV. CONCLUSION**

Applicant believes that all pending claims are in condition for allowance, and respectfully requests a Notice of Allowance at an early date. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 510-663-1100, ext. 245.

Respectfully submitted,  
BEYER WEAVER & THOMAS, LLP



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Limited Recognition under 37 CFR § 10.9(b)

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**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
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**Expires: January 2, 2007**



Harry I. Moatz

Director of Enrollment and Discipline